REMARKS

Reconsideration and re-examination of the present application is respectfully requested in view of the above amendments and below remarks. Claims 1-4 are currently pending herein, claims 5-69 have been withdrawn.

Objection to the Specification

The title of the invention was objected to as non descriptive. A new title has been submitted of "Method and Apparatus for Discovering Client Proximity to Network Sites." Acceptance of this title is hereby requested.

Objections to the Claims

Claims 1 and 2 were objected to for various informalities. Applicant has amended the claims to overcome any informalities, and it is therefore requested that the rejection be withdrawn.

Rejections under 35 U.S.C. §103(a)

Claims 1-4 were rejected under 35 U.S.C. §103(a) as being unpatentable over Rune et al. (U.S. Patent No. 6,304,913) in view of Biliris et al. (U.S. Application Publication No. 2002/0078233).

The Examiner states, at page 3 of the Office Action:

"... Rune discloses a plurality of network appliances that optimize performance ... (See Column 1 Lines 54-67 & Column 2 lines 1-24); and a network over which said network appliances and said client computer communicate (see Column 3 lines 49-64); wherein said network appliances

located at each mirror site work in concert to direct client connections to a network site with the optimal response time to said client, (See Column 1 Lines 54-67 & Column 2 Lines 1-24).

However, Rune does not explicitly teach a client computer capable [of] running a session to display or change the configuration of network appliances.

Biliris teaches a client computer capable [of] running a session to display or change the configuration of said network appliances (see paragraph(s) 0018-0019).

Therefore it would have been obvious to a person having ordinary skill in the art at the time of Applicant's invention to modify the teaching of Rune with the teachings of Biliris to include a client computer capable [of] running a session to display or change the configuration of said network appliances with the motivation to provide for an architecture that advantageously leverages multiple content distribution networks to provide enhanced services... a share of content requests are served by each of a plurality of content distribution networks. The fraction of content requests served by a particular distribution network can be determined dynamically, depending for example on the offered load or other traffic characteristics (see Biliris Paragraph(s) 006)..."

Applicants respectfully disagree that the combination of Rune and Biliris describe or suggest the limitations of the claims for the following reasons.

Rune

Rune describes a method and Internet system that attempts to improve response times by automatically selecting for use a server located relatively close to a requesting host. More specifically, the Internet system can operate to select the closest server or the most appropriate server from a plurality of servers providing the same service (e.g., mirror servers) or slightly adapted variants of the same service (e.g., alternative servers) each assigned a common host name and a unique Internet protocol address. The system operates to select the unique IP address assigned to either the closes server or the server that is most appropriate. (Rune Abstract). At column 3, lines 31-33, Rune states "the most appropriate alternative server will have the smallest hop count..." Rune also states that the most appropriate can be based on a 'class name of the requesting host..." (column 3, line 38).

Thus in essence Rune describes a system which uses mirrored web sites, and selects one of the mirrored web sites based on whether the web site is either closer, has a shorter hop count, or based on the class of the host name of the requesting host.

Biliris

Biliris describes an architecture that advantageously leverages multiple content distribution networks to provide enhanced services. In Biliris, a share of content requests are served by each of a plurality of content distribution networks. (Biliris, abstract).

Biliris states in paragraph 003:

"... It is often advantageous when distributing digital content across a packet-switched network to divide the duty of answering content requests among a plurality of geographically dispersed servers. For example, extremely popular Web sites on the Internet often provide links to "mirror" sites which replicate the content at a number of locations across the globe, some closer to the particular client requesting the content. A more recent alternative to mirroring has been the use of what are referred to in the art as "content distribution" services. Content distribution services ... dynamically redirect content requests to a cache advantageously situated closer to the client issuing the request (such architectures are referred to herein generically as "content distribution networks" or CDNs for short..."

Thus, Biliris describes a content distribution service which selects the cache that is closest to the client.

Claim 1, in contrast, describes a system wherein a client selects a web site based on the optimal response time of a response to a client request to the web site. The present invention overcomes problems that are inherent in the systems of Rune and Biliris, which are numerous and described on page 3 of Applicant's specification, and include that fact that web site assignment systems such as Rube and Biliris do not incorporate factors including the availability and loading of the web site.

Applicant's claim 1 recites "...a plurality of network appliances that optimize the performance of domains hosted on geographically distributed, mirrored network sites, a client computer coupled to said plurality of network appliances... and a network over which said network appliances and said client computer communicate, wherein, *in response to a connection request by the client to a mirrored network site, each network appliance associated with each mirrored network site responds to the connection request to allow the client to connect to a mirrored network sites having an the optimal response time to said connection request...*"

No such structure is shown or suggested by Rune, Bilirs or the combination thereof. Accordingly, for at least this reason, it is respectfully submitted that the rejection has been overcome and should be withdrawn.

Dependent claims 2-4 serve to add further patentable limitations to claim 1, but are allowable for at least the reasons put forth with regard to claim 1.

Accordingly, review of this application is respectfully requested. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the

Examiner telephone Lindsay G. McGuinness, Applicants' Attorney at 978-264-6664 so that such issues may be resolved as expeditiously as possible.

For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,

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Date

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